

MINUTES – JANUARY 8, 2002

TRAVIS COUNTY COMMISSIONERS' COURT

On Tuesday, the 8th day of January, 2002, the Commissioners' Court convened the regular Voting Session at 9:12 AM in the Commissioners' Courtroom, 1st Floor of the Travis County Administration Building, 314 West 11th Street, Austin, Texas. Dana DeBeauvoir, County Clerk, was represented by Deputy Melissa Velasquez.

The Commissioners' Court recessed the Voting Session at 10:42 AM.

The Commissioners' Court, meeting as the Northwest Travis County Road District No. 3 (Golden Triangle) Board of Directors, called to order the Voting Session at 10:42 AM and adjourned at 10:42 AM.

The Commissioners' Court, meeting as the Travis County Housing Finance Corporation, called to order the Voting Session at 10:43 AM and recessed at 10:46 AM.

The Commissioners' Court reconvened the regular Voting Session at 10:46 AM and recessed the Voting Session at 10:47 AM.

The Commissioners' Court, meeting as the Travis County Housing Finance Corporation, reconvened the Voting Session at 10:47 AM and adjourned at 11:08 AM.

The Commissioners' Court, meeting as the Travis County Health Facilities Development Corporation, called to order the Voting Session at 11:09 AM and adjourned at 11:09 AM.

The Commissioners' Court, meeting as the Capital Health Facilities Development Corporation, called to order the Voting Session at 11:09 AM and adjourned at 11:10 AM.

The Commissioners' Court, meeting as the Capital Industrial Development Corporation, called to order the Voting Session at 11:10 AM and adjourned at 11:11 AM.

The Commissioners' Court, meeting as the Travis County Development Authority, called to order the Voting Session at 11:11 AM and adjourned at 11:11 AM.

The Commissioners' Court, meeting as the Travis County Cultural Education Facilities Finance Corporation, called to order the Voting Session at 11:12 AM and adjourned at 11:12 AM.

The Commissioners' Court reconvened the regular Voting Session at 11:12 AM and retired to Executive Session at 11:12 AM.

The Commissioners' Court reconvened the Voting Session at 12:40 PM and adjourned the Voting Session at 1:10 PM.

PUBLIC HEARINGS

- 1. DISCUSS A PLAT FOR RECORDING IN PRECINCT THREE: AMENDED PLAT OF THE HAYES SUBDIVISION - (SHORT FORM PLAT – 4 LOTS – 9.798 ACRES – HUDSON BEND ROAD – NO FISCAL REQUIRED – SEWAGE SERVICE TO BE PROVIDED BY ON-SITE SEWAGE FACILITY – CITY OF AUSTIN ETJ). (COMMISSIONER MOORE) (9:13 AM)

Motion by Commissioner Moore **and seconded by** Commissioner Gómez to open the Public Hearing.

Motion carried: County Judge Samuel T. Biscoe	yes
Precinct 1, Commissioner Ron Davis	yes
Precinct 2, Commissioner Karen Sonleitner	yes
Precinct 3, Commissioner Margaret Moore	yes
Precinct 4, Commissioner Margaret J. Gómez	yes

Members of the Court heard from: Joe Gieselman, Executive Manager, Transportation and Natural Resources (TNR).

Motion by Commissioner Moore **and seconded by** Commissioner Gómez to close the Public Hearing.

Motion carried: County Judge Samuel T. Biscoe	yes
Precinct 1, Commissioner Ron Davis	yes
Precinct 2, Commissioner Karen Sonleitner	yes
Precinct 3, Commissioner Margaret Moore	yes
Precinct 4, Commissioner Margaret J. Gómez	yes

Clerk’s Note: This Item is a public hearing to receive comments. Please refer to the action taken on Agenda Item 9 for the Court’s Motion and Vote.

3. DISCUSS TEMPORARILY CLOSING PORTIONS OF BRATTON LANE, GRAND AVENUE PARKWAY, LONG VISTA DRIVE, AND WELLS PORT DRIVE IN ORDER TO HOLD THE IRON KIDS TRIATHLON SERIES. (COMMISSIONER SONLEITNER) (9:16 AM)

Motion by Commissioner Sonleitner **and seconded by** Commissioner Davis to open the Public Hearing.

Motion carried: County Judge Samuel T. Biscoe yes
Precinct 1, Commissioner Ron Davis yes
Precinct 2, Commissioner Karen Sonleitner yes
Precinct 3, Commissioner Margaret Moore yes
Precinct 4, Commissioner Margaret J. Gómez yes

Members of the Court heard from: Joe Gieselman, Executive Manager, TNR.

Motion by Commissioner Sonleitner **and seconded by** Commissioner Davis to close the Public Hearing.

Motion carried: County Judge Samuel T. Biscoe yes
Precinct 1, Commissioner Ron Davis yes
Precinct 2, Commissioner Karen Sonleitner yes
Precinct 3, Commissioner Margaret Moore yes
Precinct 4, Commissioner Margaret J. Gómez yes

Clerk’s Note: This Item is a public hearing to receive comments. Please refer to the action taken on Agenda Item 11 for the Court’s Motion and Vote.

TRANSPORTATION & NATURAL RESOURCES DEPT ITEMS

- 8. A. APPROVE A PRELIMINARY PLAN IN PRECINCT THREE: SPILLMAN RANCH (PRELIMINARY PLAN – 416 LOTS – 441.96 ACRES – RM 620 – SEWAGE SERVICE TO BE PROVIDED BY LCRA – VILLAGE OF BEE CAVE ETJ). (COMMISSIONER MOORE) (10:19 AM)
- B. APPROVE A PLAT FOR RECORDING IN PRECINCT THREE: SPILLMAN RANCH PHASE ONE SECTION FIVE (SHORT FORM PLAT – 1 LOT – 17.528 ACRES – RM 620 – FISCAL POSTED WITH THE VILLAGE OF BEE CAVE – SEWAGE SERVICE TO BE PROVIDED BY LCRA – VILLAGE OF BEE CAVE ETJ). (COMMISSIONER MOORE)

Clerk’s Note: Items 8.A and B are associated with one another and were called for concurrent discussion.

Members of the Court heard from: Joe Gieselman, Executive Manager, TNR.

Motion by Commissioner Moore **and seconded by** Judge Biscoe to approve Items 8.A and B.

Motion carried:

County Judge Samuel T. Biscoe	yes
Precinct 1, Commissioner Ron Davis	yes
Precinct 2, Commissioner Karen Sonleitner	yes
Precinct 3, Commissioner Margaret Moore	yes
Precinct 4, Commissioner Margaret J. Gómez	yes

- 9. APPROVE A PLAT FOR RECORDING IN PRECINCT THREE: AMENDED PLAT OF THE HAYES SUBDIVISION - (SHORT FORM PLAT – 4 LOTS – 9.798 ACRES – HUDSON BEND ROAD – NO FISCAL REQUIRED – SEWAGE SERVICE TO BE PROVIDED BY ON-SITE SEWAGE FACILITY – CITY OF AUSTIN ETJ). (COMMISSIONER MOORE) (9:57 AM)

Clerk’s Note: Agenda Item 9 is the action item for the public hearing on Item 1.

Clerk’s Note: Item 9 added to Consent Items. Please refer to Agenda Item 6 (CONSENT ITEMS) for the Court’s Motion and Vote.

- 10.** APPROVE AN ORDER TO AUTHORIZE THE FILING OF AN INSTRUMENT TO VACATE THE 5' PUBLIC UTILITY EASEMENTS ON EITHER SIDE OF THE COMMON LOT LINES BETWEEN LOTS 65, 66, 67 AND 68, PARADISE MANOR SECTION 4, A SUBDIVISION IN PRECINCT TWO. (COMMISSIONER SONLEITNER) (9:57 AM)

Clerk's Note: Agenda Item 10 is the action item for the public hearing on Item 2.

Clerk's Note: Item 10 added to Consent Items. Please refer to Agenda Item 6 (CONSENT ITEMS) for the Court's Motion and Vote.

- 11.** APPROVE TEMPORARILY CLOSING PORTIONS OF BRATTON LANE, GRAND AVENUE PARKWAY, LONG VISTA DRIVE, AND WELLS PORT DRIVE IN ORDER TO HOLD THE IRON KIDS TRIATHLON SERIES. (COMMISSIONER SONLEITNER) (9:57 AM)

Clerk's Note: Agenda Item 11 is the action item for the public hearing on Item 3.

Clerk's Note: Item 11 added to Consent Items. Please refer to Agenda Item 6 (CONSENT ITEMS) for the Court's Motion and Vote.

- 12.** APPROVE THE FILING OF AN ORDER OF ABANDONMENT FOR PORTION OF EDGEWATER DRIVE IN EDGEWATER BEACH SECTION 1, A SUBDIVISION IN PRECINCT THREE. (COMMISSIONER MOORE) (9:57 AM)

Clerk's Note: Agenda Item 12 is the action item for the public hearing on Item 4.

Clerk's Note: Item 12 added to Consent Items. Please refer to Agenda Item 6 (CONSENT ITEMS) for the Court's Motion and Vote.

HEALTH AND HUMAN SERVICES ITEMS

- 13.** CONSIDER REQUEST FOR REIMBURSEMENT TO STAFF FOR FEE CHARGED BY THE OMNI HOTEL, AND TAKE APPROPRIATE ACTION. (9:57 AM)

Clerk's Note: Judge Biscoe announced that the amount is \$75.00.

Clerk's Note: Item 13 added to Consent Items. Please refer to Agenda Item 6 (CONSENT ITEMS) for the Court's Motion and Vote.

PLANNING AND BUDGET DEPT ITEMS

14. APPROVE BUDGET AMENDMENTS AND TRANSFERS. (10:22 AM)

No action necessary on Item 14.

ADMINISTRATIVE OPERATIONS ITEMS

15. REVIEW AND APPROVE THE IMMEDIATE RELEASE OF REIMBURSEMENT PAYMENT TO UNITED HEALTH CARE FOR CLAIMS PAID FOR TRAVIS COUNTY EMPLOYEES & DEPENDENTS COVERED BY THE HOSPITAL AND INSURANCE FUND FOR PAYMENT OF \$152,954.57 FOR DECEMBER 21 – 27, 2001. (9:57 AM)

Clerk's Note: Item 15 added to Consent Items. Please refer to Agenda Item 6 (CONSENT ITEMS) for the Court's Motion and Vote.

16. APPROVE PERSONNEL AMENDMENTS. (9:57 AM)

Clerk's Note: Item 16 added to Consent Items. Please refer to Agenda Item 6 (CONSENT ITEMS) for the Court's Motion and Vote.

PURCHASING OFFICE ITEMS

17. APPROVE CONTRACT MODIFICATION NO. 1 (CONTRACT NO. IL020053-EF) WITH THE TEXAS COMMISSION FOR THE DEAF AND HARD OF HEARING FOR DEAF SERVICES. (HHSD) (COMMISSIONER GOMEZ) (9:57 AM)

Clerk's Note: Item 17 added to Consent Items. Please refer to Agenda Item 6 (CONSENT ITEMS) for the Court's Motion and Vote.

- 18. APPROVE A 12-MONTH EXTENSION (MODIFICATION NO. 3) TO CONTRACT NO. 00T0173-LD, KOCH MATERIALS FOR EMULSIFIED ASPHALT; CONTRACT APPROVED ON 3/21/00. (TNR) (COMMISSIONER GOMEZ) (9:57 AM)

Clerk’s Note: Item 18 added to Consent Items. Please refer to Agenda Item 6 (CONSENT ITEMS) for the Court’s Motion and Vote.

- 19. APPROVE A 12-MONTH EXTENSION (MODIFICATION NO. 1) TO CONTRACT NO. 01T0100-LD, SCS FIELD SERVICES FOR 290 EAST LANDFILL OPERATION AND MAINTENANCE SERVICES; CONTRACT APPROVED ON 3/27/01. (TNR) (COMMISSIONER DAVIS) (9:57 AM)

Clerk’s Note: Item 19 added to Consent Items. Please refer to Agenda Item 6 (CONSENT ITEMS) for the Court’s Motion and Vote.

- 20. APPROVE MODIFICATION NO. 3 TO LEASE AGREEMENT NO. LA000263-MQ WITH TEXAS LIQUIDATIONS & CLOSEOUTS D/B/A THE CROCKETT CENTER FOR JURY IMPANELMENT. (DISTRICT CLERK) (10:22 AM)

Members of the Court heard from: Cyd Grimes, Travis County Purchasing Agent.

Motion by Commissioner Moore **and seconded by** Commissioner Gómez to approve the contract modification and extension at least until April 22, 2002.

Motion carried:

County Judge Samuel T. Biscoe	yes
Precinct 1, Commissioner Ron Davis	yes
Precinct 2, Commissioner Karen Sonleitner	yes
Precinct 3, Commissioner Margaret Moore	yes
Precinct 4, Commissioner Margaret J. Gómez	yes

OTHER ITEMS

- 21. DISCUSS STATUS, NECESSARY CONTRACT MODIFICATIONS AND RELATED ISSUES ON THE CRIMINAL JUSTICE PROGRAM (CJP) PROJECTS, AND TAKE APPROPRIATE ACTION. (10:26 AM)

No action necessary on Item 21.

- 22. CONSIDER WORKLOAD RE-DISTRIBUTION OF CONSTABLE PRECINCT FIVE, AND TAKE APPROPRIATE ACTION. (9:12 AM)

Item 22 postponed until January 15, 2002.

- 23. DISCUSS COMMITTEE ASSIGNMENTS FOR COMMISSIONERS COURT MEMBERS, AND TAKE APPROPRIATE ACTION. (10:26 AM)

Members of the Court heard from: Cyd Grimes, Travis County Purchasing Agent; and John Hille, Assistant County Attorney.

Motion by Judge Biscoe and seconded by Commissioner Gómez that we formally approve the CAPCO Committee appointment of Judge Biscoe, Commissioner Moore and Commissioner Davis to the General Assembly, and to appoint Judge Biscoe and Commissioner Moore to the Executive Committee.

Motion carried:

County Judge Samuel T. Biscoe	yes
Precinct 1, Commissioner Ron Davis	yes
Precinct 2, Commissioner Karen Sonleitner	yes
Precinct 3, Commissioner Margaret Moore	yes
Precinct 4, Commissioner Margaret J. Gómez	yes

- 24. APPOINT MARGARET MOORE AS DIRECTOR OF THE FOLLOWING CORPORATIONS: TRAVIS COUNTY HOUSING FINANCE CORPORATION; TRAVIS COUNTY HEALTH FACILITIES DEVELOPMENT CORPORATION; CAPITAL HEALTH FACILITIES DEVELOPMENT CORPORATION; CAPITAL INDUSTRIAL DEVELOPMENT CORPORATION; TRAVIS COUNTY DEVELOPMENT AUTHORITY; AND TRAVIS COUNTY CULTURAL EDUCATION FACILITIES FINANCE CORPORATION. (10:46 AM)

Motion by Judge Biscoe and seconded by Commissioner Sonleitner to approve Item 24.

Motion carried:

County Judge Samuel T. Biscoe	yes
Precinct 1, Commissioner Ron Davis	yes
Precinct 2, Commissioner Karen Sonleitner	yes
Precinct 3, Commissioner Margaret Moore	yes
Precinct 4, Commissioner Margaret J. Gómez	yes

- 25. APPROVE PAYMENT OF CLAIMS AND AUTHORIZE COUNTY TREASURER TO INVEST COUNTY FUNDS. (9:57 AM)

Clerk’s Note: Item 25 added to Consent Items. Please refer to Agenda Item 6 (CONSENT ITEMS) for the Court’s Motion and Vote.

EXECUTIVE SESSION ITEMS

Note 1 – Gov't Code Ann 551.071, Consultation with Attorney

Note 2 – Gov't Code Ann 551.072, Real Property

Note 3 – Gov't Code Ann 551.074, Personnel Matters

Note 4 – Gov't Code Ann 551.076, Security

- 26. A. RECEIVE BRIEFING FROM COUNTY ATTORNEY'S OFFICE REGARDING CLAIMS RECEIVED FROM CONTRACTORS FOR THE CRIMINAL JUSTICE PROGRAM, AND TAKE APPROPRIATE ACTION. ¹ (11:12 AM)**
- B. RECEIVE BRIEFING FROM COUNTY ATTORNEY AND/OR TAKE APPROPRIATE ACTION REGARDING FLUOR DANIEL, INC. V. TRAVIS COUNTY, TEXAS; CIVIL ACTION NO. A 00CA021SS; IN THE UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF TEXAS, AUSTIN DIVISION. ¹**

Clerk's Note: Items 26.A and B are associated with one another and were called for concurrent discussion.

Judge Biscoe announced that Items 26.A and B would be considered in Executive Session.

No action taken on Items 26.A and B.

27. DISCUSS, APPROVE OR TAKE APPROPRIATE ACTION REGARDING REAL ESTATE ISSUES RELATING TO NORTH RURAL COMMUNITY CENTER AND CLINIC. ² (11:12 AM) (12:58 PM)

Judge Biscoe announced that Item 27 would be considered in Executive Session.

Members of the Court heard from: Pat Ford, Real Estate Manager, Facilities Management.

Motion by Judge Biscoe **and seconded by** Commissioner Davis that we make a final offer in the amount of \$775,000.00, and if that is not satisfactory to the property owner, that we inquire as to the availability of one of the two tracts in question, that being the larger piece that's longer, and that accesses FM 1825; that we basically include the Real Estate Manager's recommendations as to the other issues, which go to the easements, architectural review, and other matters we've discussed previously.

Motion carried: County Judge Samuel T. Biscoe	yes
Precinct 1, Commissioner Ron Davis	yes
Precinct 2, Commissioner Karen Sonleitner	absent
Precinct 3, Commissioner Margaret Moore	yes
Precinct 4, Commissioner Margaret J. Gómez	yes

28. CONSIDER OPTION AND PURCHASE AGREEMENTS FOR ACQUISITION OF LAND FOR A PROPOSED EAST METRO PARK IN PRECINCT ONE, AND TAKE APPROPRIATE ACTION. (COMMISSIONER DAVIS) ² (11:12 AM)

Item 28 pulled from the Agenda.

29. RECEIVE LEGAL ADVICE FROM COUNTY ATTORNEY ON TRAVIS COUNTY VS. PETER VON WUPPERFELD, CAUSE NO. GV-001152, AND TAKE APPROPRIATE ACTION. ¹ (11:12 AM)

Judge Biscoe announced that Item 29 would be considered in Executive Session.

No action taken on Item 29.

- 30.** RECEIVE BRIEFING FROM COUNTY ATTORNEY REGARDING TRAVIS COUNTY V. ARK MUSIC, INC. AND TAKE APPROPRIATE ACTION. ¹
(11:12 AM) (1:10 PM)

Judge Biscoe announced that Item 30 would be considered in Executive Session.

No action necessary on Item 30.

Item 30 to be reposted on January 15, 2002.

- 31.** RECEIVE BRIEFING FROM COUNTY ATTORNEY, AND TAKE APPROPRIATE ACTION REGARDING CLAIM BY CHRISTINA ARMIJO (ARMIJO; FRASIER; CONTRACT, PERSONAL INJURY). ¹ (11:12 AM) (1:10 PM)

Judge Biscoe announced that Item 31 would be considered in Executive Session.

No action necessary on Item 31.

Item 31 to be reposted on January 15, 2002.

- 32.** RECEIVE LEGAL ADVICE ON ERIC TIMMES ET AL. V. ELFANT (A JUDICIAL SALE), NO. 256,204, AND TAKE APPROPRIATE ACTION. ¹ (9:12 AM)
(11:12 AM) (12:41 PM)

Judge Biscoe announced that Item 32 would be considered in Executive Session.

Members of the Court heard from: Eric Timmes, Private Citizen; and Sherine Thomas, Assistant County Attorney.

Discussion Only.

- 33. RECEIVE STATUS REPORT AND LEGAL ADVICE ON U.S. JUSTICE DEPARTMENT’S PRE-CLEARANCE OF TRAVIS COUNTY REDISTRICTING PLAN FOR COMMISSIONERS, CONSTABLES AND JUSTICES OF THE PEACE, AND TAKE APPROPRIATE ACTION. ¹ (9:12 AM) (11:12 AM) (1:00 PM)

Judge Biscoe announced that Item 33 would be considered in Executive Session.

Members of the Court heard from: Dolores Lopez, Director, Voter Registration, Tax Office.

Motion by Judge Biscoe and seconded by Commissioner Davis for legal counsel to draft a letter for the County Judge to sign and send to the Chairman of the Republican party, and the Chairman of the Democratic party, and other appropriate individuals, including the County Clerk, Tax Assessor’s Voting Registrar’s Office, and appropriate others; indicating the status that we think everything is alright, but, there is a possibility involving the deadline that is beyond our control.

Motion carried:

County Judge Samuel T. Biscoe	yes
Precinct 1, Commissioner Ron Davis	yes
Precinct 2, Commissioner Karen Sonleitner	absent
Precinct 3, Commissioner Margaret Moore	yes
Precinct 4, Commissioner Margaret J. Gómez	yes

Item 33 to be reposted on January 15, 2002.

- 34. RECEIVE BRIEFING FROM COUNTY ATTORNEY AND AUTHORIZE COUNTY ATTORNEY TO ACCEPT, REJECT OR COUNTER OFFER FOR SETTLEMENT AND/OR TAKE APPROPRIATE ACTION CONCERNING THE MATTER OF ROCKNEY RABY AND DAVID LOPEZ. ^{1 AND 3} (11:12 AM) (1:09 PM)

Judge Biscoe announced that Item 34 would be considered in Executive Session.

Members of the Court heard from: Eric Shepperd, Assistant County Attorney.

Item 34 to be reposted on January 15, 2002.

ADJOURNMENT

Motion by Commissioner Davis **and seconded by** Commissioner Gómez to adjourn the Voting Session. (1:10 PM)

Motion carried: County Judge Samuel T. Biscoe	yes
Precinct 1, Commissioner Ron Davis	yes
Precinct 2, Commissioner Karen Sonleitner	absent
Precinct 3, Commissioner Margaret Moore	yes
Precinct 4, Commissioner Margaret J. Gómez	yes

MINUTES APPROVED BY THE COMMISSIONERS' COURT

Date of Approval

Samuel T. Biscoe, Travis County Judge